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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,868	07/22/2003	Edward Cocciadiferro	034017R009	7539
441	7590	09/19/2006	EXAMINER	
SMITH, GAMBRELL & RUSSELL 1850 M STREET, N.W., SUITE 800 WASHINGTON, DC 20036			KIM, SANG K	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/623,868

Applicant(s)

COCCIDI FERRO ET AL.

Examiner

SANG KIM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6,8,10,32,33,47-50 and 54-57 is/are pending in the application.
- 4a) Of the above claim(s) 33 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6,47 and 48 is/are allowed.
- 6) ☒ Claim(s) 8,10,32,49,50 and 54-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 112 2<sup>nd</sup> Paragraph***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10, 32 and 49-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 is indefinite and vague because of the last limitation recited by the applicant, which states “ which mounting surfaces are dimensioned relative to core inserts of the film roll which core inserts are dimensioned of different sizes so as to limit mounting of the film roll in only one axial orientation.” Examiner is not sure how the core inserts are able to limit the mounting of the film roll in only one axial orientation and how the mounting surfaces are dimensioned relative to core inserts (i.e., by expanding and contracting mounting surfaces relative to the core inserts). The core inserts would prevent the core from shifting in left and right axial directions, but it is not clear how the core inserts claimed by the applicant can limit the roll in only one axial orientation.

Applicant's detailed description and drawings did not explain or show how the core inserts are used to perform the task claimed by the applicant. Applicant is encouraged to explain by specifying to a specific portion of the specification and drawings so that the examiner can follow exactly which element is being referred to.

Because of the indefiniteness, claims 10, 32 and 49-50 cannot be meaningfully treated with respect to the prior art at this time. An absence of an art rejection does not constitute the indication of allowable subject matter.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8 and 54-57 are rejected under 35 U.S.C. 102(b) as being anticipated by Erny, U.S. Patent No. 3799465.

Regarding claims 8, 54 and 57, Erny '465 discloses a support member (no reference number); a spindle 12 supported by said support member, said spindle 12 having a support extension 13; and a spindle-to-support connector 11 (by activating to load and unload the roll) supporting said spindle 12 for adjustment between a dispenser mode to a feed mode; a lock in-position mechanism comprises a latch 17 that includes a latch component 17 which is positioned for deflecting contact with a latch reception component (e.g. slot near 21) such that a rotation of said spindle from the dispenser mode to the feed mode automatically moves said latch 17 into a latch state following deflection (i.e., by pulling the knob 22 it automatically activates the latch 17), see figures 1-2 and column 2, lines 53-64.

Regarding claims 55-56, Erny '465 shows the latch component 17 has a cam surface (i.e., a taper portion of 17), see figure 4.

***Allowable Subject Matter***

Claims 6 and 47-48 are allowed.

A statement of reasons for the indication of allowable subject matter can be found in the Final Office Action mailed on 11/25/05.

***Response to Arguments***

Claims 8 and 32 have been amended.

Claims 54-57 have been added.

Applicant's arguments with respect to claims 8, 10, 32 and 49-50 have been considered but are moot in view of the new ground(s) of rejection.

The added recitation that a lock in-position mechanism necessitated the new grounds of rejection.

Applicant's remarks filed on 8/7/06 have been fully considered but they are not persuasive with respect to claims 8, 10, 32 and 49-50. Applicant has clearly defined and explained that a "roll retention latch 228" recited in claim 6, which is different from a "latch component 860" recited in claim 8. Thus, the new grounds of rejection is set forth above. However, applicant has still failed to explain in further detail on how mounting surfaces are dimensioned relative to core inserts of the film roll which core inserts are dimensioned of different sizes so as to limit mounting of the film roll in only one axial orientation. Applicant's remarks filed on 8/7/06, on pages 12-13, referring to figure 115 with the mounting surfaces 222a and 222B, interior surfaces 997E and 985 of the core inserts 997 and 998 does not explain how the roll can be in only one axial orientation. In fact, in figure 115, reference number 997E is not shown, and in figures 127 and 128 reference numbers 997 and 998 are not shown. Furthermore, applicant refers to core

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inserts 997 and 998, but later on applicant refers to levers 998. Which reference number is applicant referring to? It appears that applicant is trying to refer to figures 115, 127 and 128, and using "radially adjustable retention member" and "an axial slide barrier" as described on page 13 to explain claim 10. However, In response to applicant's argument/remarks that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., elements using "radially adjustment retention member" and "an axial slide barrier" to limit the roll in only one axial orientation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 571-272-6947. The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

9/8/06



**WILLIAM A. RIVERA**  
**PRIMARY EXAMINER**